# UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF CALIFORNIA

EBAY INC.,
Plaintiff
v.
DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, BRIAN DUNNING, BRIANDUNNING.COM, and DOES 1-20,
Defendants

Civil Action No. CV 08-4052 BZ

Summons in a Civil Action

To: *(Defendant's name and address)*
BRIANDUNNING.COM
c/o Brian Dunning
15 High Bluff
Laguna Nigel, CA 92677

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

David R. Eberhart, Esq.
Sharon M. Bunzel, Esq.
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Fl.
San Francisco, CA 94111

Telephone (415) 984-8700
Facsimile (415) 984-8701

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RICHARD W. WIEKING
Name of clerk of court

Date: ~~August 25, 2008~~ AUG 26 2008

LASHANDA SCOTT
Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

American LegalNet, Inc.
www.FormsWorkflow.com

Attorney or Party without Attorney: DAVID EBERHART, ESQ., Bar #195474 O'MELVENY & MYERS LLP TWO EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO, CA 94111 *Telephone No:* (415) 984-8700 *FAX No:* (415) 984-8701				*For Court Use Only*
Attorney for: Plaintiff		*Ref. No. or File No.:* 109538		
Insert name of Court, and Judicial District and Branch Court: United States District Court, Northern District Of California				
Plaintiff: EBAY INC. *Defendant:* DIGITAL POINT SOLUTIONS, INC., ET AL.				
PROOF OF SERVICE	*Hearing Date:*	*Time:*	*Dept/Div:*	*Case Number:* CV 08-4052 BZ

1. *At the time of service I was at least 18 years of age and not a party to this action.*

2. I served copies of the Summons In A Civil Action; First Amended Complaint; Complaint; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Patricia V. Trumbull; Standing Order For All Judges Of The Northern District Of California, Contents Of Joint Case Management Statement; Standing Order Regarding Case Management In Civil Cases; Consenting To A Magistrate Judge's Jurisdiction In The Northern District Of California

3. a. *Party served:* BRIANDUNNING.COM
   b. *Person served:* LEO PRESIADO, ATTORNEY, AUTHORIZED TO ACCEPT SERVICE

4. *Address where the party was served:* 2211 MICHELSON DR
   7TH FLOOR
   IRVINE, CA 92612

5. *I served the party:*
   b. **by substituted service.** On: Tue., Oct. 07, 2008 at: 5:00PM by leaving the copies with or in the presence of:
   RHONDA REDFORD, PERSONAL SECRETARY TO LEO PRESIADO
   (1) **(Business)** Person of suitable age and discretion. I informed him or her of the general nature of the papers.
   (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., 415.20). I mailed the document on: Wed., Oct. 08, 2008 from: LOS ANGELES, CA

7. ***Person Who Served Papers:***
   a. MAREK STEPNIAK
   b. 207 SOUTH BROADWAY
   6TH FLOOR
   LOS ANGELES, CA 90012
   c. (213) 625-9100

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. ***The Fee for Service was:***
e. I am: (3) registered California process server
   (i) Independent Contractor
   (ii) Registration No.: 5484
   (iii) County: Los Angeles

8. ***I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.***

Date:Fri, Oct. 10, 2008

Judicial Council Form
Rule 2.150.(a)&(b) Rev January 1, 2007

PROOF OF SERVICE

(MAREK STEPNIAK) *109538.daveb.24372*